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EXTRAORDINARY

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PART II—Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 17th April, 1976/Chaitra 28, 1898 (Saka)

The following President's Acts are published for general information:—

THE TAMIL NADU GENERAL CLAUSES
(AMENDMENT) ACT, 1976

No. 12 OF 1976.

Enacted by the President in the Twenty-seventh Year of the
Republic of India.

An Act further to amend the Tamil Nadu General Clauses Act, 1891.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu General Clauses (Amendment) Act, 1976.

Short
title and
commence-
ment.

(2) It shall be deemed to have come into force on the 3rd day of March, 1976.

Tamil
Nadu
Act
I of
1891.

2. In the Tamil Nadu General Clauses Act, 1891 (hereinafter referred to as the principal Act), in Chapter III, after section 22, the following section shall be inserted, namely:—

Insertion of
new
section
22-A.

“22-A. Any reference to any Minister (including the Chief Minister) in any Act or in any rule, notification, order, regulation, by-law or other instrument made or issued, under such Act, shall, during the period of operation of a Proclamation issued by the President under article 356 of the Constitution in respect of the State of Tamil Nadu, be construed as a reference to the Governor or to such adviser to the Governor or to such other officer, as the Governor may, by notification, specify in this behalf and different notifications may be issued in respect of different Acts and instruments made or issued thereunder.”.

Construc-
tion of
refer-
ences to
Minister
in Acts,
etc.

Repeal
and
saving.

3. (1) The Tamil Nadu General Clauses (Amendment) Ordinance, 1976, is hereby repealed.

(2) Notwithstanding such repeal, anything done or taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Tamil
Nadu
Ordi-
nance
4 of
1976.

Reasons for the enactment

Certain Tamil Nadu Acts contain references to the Ministers (including the Chief Minister). Consequent on the issue of a Proclamation by the President under article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Tamil Nadu and all powers vested in, or exercisable by, the Governor of the State. It has been decided that the functions of a Minister in those Acts may be performed by the Governor or such advisers or such other officers as may be specified by the Governor in that behalf. It was proposed to amend the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) suitably and for this purpose Tamil Nadu General Clauses (Amendment) Ordinance, 1976 (Tamil Nadu Ordinance 4 of 1976) was promulgated by the Governor of Tamil Nadu on the 3rd March, 1976.

2. Parliament has under article 357(1)(a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

3. The proposed measure seeks to replace the Tamil Nadu Ordinance 4 of 1976.

4. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

K. K. SUNDARAM,
~~Secretary to the Government of India,~~
~~Ministry of Law, Justice and Company Affairs~~
(Legislative Department).

**THE PUBLIC WAKFS (EXTENSION OF LIMITATION)
TAMIL NADU AMENDMENT ACT, 1976**

No. 14 of 1976

Enacted by the President in the Twenty-seventh Year of the
Republic of India.

An Act further to amend the Public Wakfs (Extension of Limitation)
Act, 1959, in its application to the State of Tamil Nadu.

In exercise of the powers conferred by section 3 of the Tamil Nadu
State Legislature (Delegation of Powers) Act, 1976, the President is 41 of 1976.
pleased to enact as follows:—

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the Public Wakfs (Extension of Limi-
tation) Tamil Nadu Amendment Act, 1976.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 31st day of
December, 1975.

Amend-
ment
of
section
3.

2. In section 3 of the Public Wakfs (Extension of Limitation) Act,
1959 (hereinafter referred to as the principal Act), as in force in the
State of Tamil Nadu, for the words, figures and letters "the 31st day of
December, 1975", the words, figures and letters "the 31st day of Decem-
ber, 1980" shall be substituted.

29 of 1959

Tamil
Nadu
Ordinan-
ce 6 of
1976.

3. (1) The Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Ordinance, 1976, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India,

Reasons for the enactment

The Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959), as subsequently amended in the State of Tamil Nadu, extended the period of limitation up to the 31st December, 1975 in certain cases for filing suits to recover possession of immovable property forming part of public wakfs. Though, availing of this provision, a number of suits have already been filed, there are a number of cases in which suits have yet to be filed. In view of this, it was decided to extend the time-limit for filing such suits in the State of Tamil Nadu up to the 31st December, 1980, and for this purpose the Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Ordinance, 1975 (Tamil Nadu Ordinance 20 of 1975) was promulgated by the Governor of Tamil Nadu on the 30th December, 1975.

2. The President issued a Proclamation on the 31st January, 1976, under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. The Ordinance referred to above could not be replaced by an Act of Parliament for want of time. Hence, by virtue of the powers delegated to the Governor of Tamil Nadu by the President, the Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Ordinance, 1976 (Tamil Nadu Ordinance 6 of 1976) was promulgated.

3. The proposed measure seeks to replace the said Ordinance 6 of 1976.

4. Parliament has, under article 357(1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

K. K. SUNDARAM,

Secy. to the Govt. of India,

Ministry of Law, Justice and Company Affairs
(Legislative Department).

THE TAMIL NADU INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) ACT, 1976

No. 15 of 1976

Enacted by the President in the Twenty-seventh Year of the
Republic of India

An Act to provide temporary relief to indebted agriculturists in the
State of Tamil Nadu.

In exercise of the powers conferred by section 3 of the Tamil Nadu
State Legislature, (Delegation of Powers) Act, 1976, the President is
pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Indebted Agriculturists
(Temporary Relief) Act, 1976.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on the 15th day of
January, 1976.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural land" means land used for agriculture or hor-
ticulture and not being land appurtenant to a residential building;

(b) "agriculturist" means a person who owns an interest in
agricultural land, and who, by reason of such interest, is in

Short
title,
extent
and
com-
mence-
ment.

Defini-
tions.

possession of such land or is in receipt of the rents or profits thereof and shall include a lessee; but shall not include—

9 of 1932.
1 of 1956.

(i) a firm registered under the Indian Partnership Act, 1932 or a company as defined in the Companies Act, 1956 or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian law, or

(ii) any person who was assessed to income-tax under the Income-tax Act, 1961 or to agricultural income-tax under the Tamil Nadu Agricultural Income-tax Act, 1955 or to sales tax under the Tamil Nadu General Sales Tax Act, 1959 or under the Central Sales Tax Act, 1956 in any of the years 1971-72, 1972-73, 1973-74 and 1974-75.

43 of 1961.
Tamil
Nadu
Act V of
1955.
Tamil
Nadu
Act 1 of
1959.
74 of 1956.

Explanation.—Where a joint Hindu family or a tarwad, tavazhi, kutumba or kavaru is an agriculturist, every co-parcener or member of the tarwad, tavazhi, kutumba or kavaru, as the case may be, shall be deemed to be an agriculturist, provided that he has not been assessed to income-tax or agricultural income-tax or sales tax in any of the years 1971-72, 1972-73, 1973-74 and 1974-75;

(c) “debt”—

(i) means any sum of money which a person is liable to pay under a contract (express or implied) for consideration received; and

(ii) includes rent in cash or kind which a person is liable to pay or deliver in respect of the lawful use and occupation of agricultural land.

Explanation I.—For the purpose of this clause, “rent”, in relation to agricultural land, shall mean rent accrued due for the fasli year ending with the 30th day of June, 1974 and for any previous fasli year.

Explanation II.—It is immaterial that the sum or produce is recoverable only by sale of property in enforcement of a mortgage or charge or that the contract was entered into by the person's predecessor-in-title or by the manager of the joint Hindu family or the karanavan of the tarwad or tavazhi or the yajaman of the kutumba or kavaru of which such person was or is a member.

Exception.—“debt” does not include—

(i) rent or compensation for the use and occupation of house property;

(ii) rent or compensation for the use and occupation of immovable property (not being house property or agricultural land) accrued due on or after the 16th day of January, 1975;

(iii) any liability arising out of a breach of trust;

(iv) any liability in respect of maintenance;

(v) any sum payable to the State Government or the Central Government or to any local authority, whether by way of revenue, tax, cess or loan or otherwise;

Tamil
Nadu
Act 53
of 1961.

(vi) any sum payable to any co-operative society, including a land development bank, registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961, provided that the right of the society to recover the sum did not arise by reason of an assignment made subsequent to the 15th day of September, 1974;

(vii) wages or remuneration due as salary, or otherwise for service rendered;

(viii) any liability in respect of any sum due to—

10 of 1949. (A) any banking company to which the Banking Regulation Act, 1949 applies;

23 of 1955. (B) the State Bank of India constituted under the State Bank of India Act, 1955;

38 of 1959. (C) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

5 of 1970. (D) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

10 of 1963. (E) the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963;

(F) any other financial institution notified by the State Government in the *Tamil Nadu Government Gazette*;

(d) "pay", with its grammatical variations, includes deliver;

(e) "suit" or "application" does not include an appeal from a decree or order passed in a suit or application or an application for revision or review.

3. No suit for the recovery of a debt shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made, and no suit or application for the eviction of a tenant on the ground of non-payment of a debt shall be instituted or made, against any agriculturist in any civil or revenue court on and from the date of commencement of this Act and before the expiry of one year from the said date.

Bar of
suits and
applica-
tions.

Explanation I.—"suit" does not include a claim to a set-off made in a suit instituted by an agriculturist.

Explanation II.—Where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, no suit or application of the nature mentioned in this section shall be instituted or made either against the non-agriculturist or against the agriculturist before the expiry of the period mentioned in this section.

Explanation III.—A suit shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit, and a decree shall be deemed to be a decree for payment of money passed in such suit notwithstanding that other reliefs are granted by such decree:

Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit.

Stay of
proceed-
ings.

4. (1) All further proceedings in suits and applications of the nature mentioned in section 3 in which relief is claimed against an agriculturist, not being proceedings for the amendment of pleadings or for the addition, substitution, or the striking off of parties, but otherwise inclusive of proceedings consequent on orders or decrees made in appeals, revision petitions, or applications for review, shall, subject to the next succeeding sub-section, stand stayed until the expiry of one year from the date of commencement of this Act:

Provided that, in regard to property under attachment, the court may pass such orders as it deems necessary for the custody or preservation of the property or for the sale of such property if it is subject to speedy or natural decay, or, if in respect of it, the expenses of custody or preservation are considered excessive.

(2) On application made by the defendant or the respondent or by all the defendants or all the respondents, as the case may be, the stay effected by sub-section (1) in a suit or application shall be dissolved and the suit or application shall be proceeded with from the stage which had been reached when further proceedings in the suit or the application were stayed.

Exclusion
of time
for limi-
tation.

5. (1) In computing the period of limitation or limit of time prescribed for a suit for the recovery of a debt or an application for the execution of a decree passed in such suit, the time during which the institution of the suit or the making of application was barred by section 3 or during which the plaintiff or his predecessor-in-title, believing in good faith that section 3 applied to such suit or such application, refrained from instituting the suit or making the application, shall be excluded.

Explanation.—"good faith" shall have the meaning assigned to it in clause (22) of section 3 of the General Clauses Act, 1897.

10 of 1897.

(2) Where in a suit or an application in which the question of exclusion of time under sub-section (1) arises, the defendant or the respondent, or one of the defendants or respondents, with respect to whom the question is raised, would have been an agriculturist but for the fact that in the year 1971-72, 1972-73, 1973-74, or 1974-75 he had been assessed to income-tax under the Income-Tax Act, 1961 or to agricultural income-tax under the Tamil Nadu Agricultural Income-tax Act, 1955 or sales tax under the Tamil Nadu General Sales Tax Act, 1959, or under the Central Sales Tax Act, 1956, it shall be conclusively presumed that, in refraining from instituting the suit or making the application, the creditor believed in good faith that such defendant or respondent was an agriculturist.

43 of
1961.
Tamil
Nadu
Act V
of 1955.
Tamil
Nadu
Act 1
of 1959.
74 of
1956.

6. Every transfer of immovable property by a debtor entitled to the benefit of section 3 or section 4, made on or after the date of commencement of this Act and before the expiry of one year from the said date shall, in any suit or other proceeding, with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

Effect of transfer of immovable property by the debtor.

Tamil Nadu Act XXV of 1955. Tamil Nadu Act 57 of 1961. Tamil Nadu Act XIV of 1930. Tamil Nadu Act 16 of 1968. Tamil Nadu Act 21 of 1972. 5 of 1908.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tamil Nadu Cultivating Tenants Protection Act, 1955, the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961, the Malabar Tenancy Act, 1929, the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1968, the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 or in the Code of Civil Procedure, 1908 or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority.

Act to override other laws, contracts, etc.

8. (1) The State Government may make rules to carry out the purposes of this Act.

Power to make rules.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the Table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. (1) The Tamil Nadu Indebted Agriculturists (Temporary Relief) No. 2 Ordinance, 1976 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

Tamil Nadu Ordinance 7 of 1976.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

By the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1975 (Tamil Nadu Act 10 of 1975), suits for the recovery of debts due from agriculturists and applications for the execution of the decrees for payment of money passed in any such suit were barred for the period up to the 15th January, 1976. Though the drought conditions had eased in view of the favourable monsoon, the agriculturists were not in a position to repay after the harvest all the loans taken by them. They required some time to rehabilitate themselves. It was, therefore, decided that the relief granted to agriculturists should be extended for a further period of three months. The Tamil Nadu Indebted Agriculturists (Temporary Relief) Ordinance, 1976 (Tamil Nadu Ordinance 1 of 1976) was promulgated to give effect to the above decision.

2. The President issued a Proclamation on the 31st January, 1976 under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. The Ordinance referred to above could not be replaced by an Act of Parliament for want of time. Hence by virtue of the powers delegated to the Governor of Tamil Nadu by the President, the Tamil Nadu Indebted Agriculturists (Temporary Relief) No. 2 Ordinance, 1976 (Tamil Nadu Ordinance 7 of 1976) was promulgated and the relief granted to the agriculturists was extended for a period of one year from the 15th January, 1976, instead of for three months as provided in the Tamil Nadu Ordinance 1 of 1976.

3. The proposed measure seeks to replace the Tamil Nadu Ordinance 7 of 1976.

4. Parliament has, under article 357(1)(a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

I. J. NAIDU,
Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation
(Department of Rural Development).

THE TAMIL NADU INDEBTED PERSONS (TEMPORARY
RELIEF) ACT, 1976

No. 16 of 1976

Enacted by the President in the Twenty-seventh Year of the
Republic of India.

An Act to provide temporary relief to certain indebted persons in the
State of Tamil Nadu.

41 of
1976.

In exercise of the powers conferred by section 3 of the Tamil Nadu
State Legislature (Delegation of Powers) Act, 1976, the President is pleas-
ed to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Indebted Persons (Tem-
porary Relief) Act, 1976.

Short
title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 15th day of
January, 1976.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(1) “debt” means any liability in cash or kind, whether secured
or unsecured, due from an indebted person whether payable under a
decree or order of a civil or revenue court or otherwise, but does not
include—

(i) rent as defined in clause (5);

(ii) any debt to which the Tamil Nadu Indebted Agricultur-
ists (Temporary Relief) Act, 1976, is applicable;

(2) "indebted person" means any person from whom any debt is due:

Provided that a person shall not be deemed to be an indebted person, if he—

(i) has in both the financial years ending on the 31st day of March, 1974 and the 31st day of March, 1975, been assessed to income-tax under the Income-tax Act, 1961 or under the income-tax law in force in any foreign country; or

43 of
1961.

(ii) has in both the financial years ending on the 31st day of March, 1974 and the 31st day of March, 1975, been assessed to sales tax under the Tamil Nadu General Sales Tax Act, 1959 or under the Central Sales Tax Act, 1956; or

Tamil
Nadu
Act 1 of
1959.
74 of
1956.

(iii) has in all the four half-years immediately preceding the 1st April, 1975 been assessed to property or house-tax in respect of buildings or lands other than agricultural lands, under the Tamil Nadu District Municipalities Act, 1920, the Madras City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Tamil Nadu Panchayats Act, 1958, the Cantonments Act, 1924 or any law governing municipal or local bodies in this State or in any other State or Union territory, provided that the aggregate annual rental value of such buildings and lands whether let out or in the occupation of the owner, is not less than two thousand and four hundred rupees.

Tamil
Nadu
Act V
of 1920.
Tamil
Nadu
Act IV
of 1919.
Tamil
Nadu
Act 15
of 1971.

Explanation.—The annual rental value of any building or land for the purposes of clause (iii) of this proviso shall—

Tamil
Nadu
Act XXV
of 1958.
2 of
1924.

(1) where the assessment is based on the annual rental value, be deemed to be such value;

(2) where the assessment is based on the capital value, be deemed to be five per cent. of the capital value; and

(3) in any other case, be deemed to be the value ascertained in the prescribed manner:

Provided further that a person shall not be deemed to be an indebted person if he is an agriculturist as defined in the Tamil Nadu Agriculturists Relief Act, 1938 and entitled to the benefits of that Act;

Tamil
Nadu
Act IV
of 1938.

(3) "pay", with its grammatical variations, includes deliver;

(4) "person" means an individual and includes an undivided Hindu family, a marumakkattayam or aliyasantana tarwad or tavazhi, but does not include a body corporate, a charitable or religious institution or an unincorporated company or association or any firm as defined in the Indian Partnership Act, 1932;

9 of
1932.

(5) "rent" means the rent payable by any tenant to the owner of any building in respect of such building or portion thereof occupied by such tenant.

Explanation.—For the purposes of this clause, the expression “building” shall have the same meaning as in clause (2) of section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960;

Tamil
Nadu
Act 18
of 1960.

(6) “suit” or “application” does not include an appeal from a decree or order passed in a suit or application or an application for revision or review.

3. Nothing in this Act shall affect debts and liabilities of any indebted person falling under the following heads:—

Certain
debts
and
liabilities
not to be
affected.

(a) any revenue, tax or cess payable to the State Government or any other sum due to them by way of loan or otherwise;

(b) any revenue, tax or cess payable to the Central Government or any other sum due to it, by way of loan or otherwise;

(c) any tax or cess payable to any local authority or any other sum due to it, by way of loan or otherwise;

(d) any liability in respect of any sum due to any co-operative society including a land development bank registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961:

Tamil
Nadu
Act 53
of 1961.

Provided that where the liability mentioned in this clause arises by reason of an assignment to any such co-operative society either such assignment has taken place before the 15th day of March, 1975 or is an assignment to any such co-operative society of a loan granted by another such co-operative society;

(e) any liability arising out of breach of trust;

(f) any liability in respect of maintenance whether under a decree of court or otherwise;

(g) any liability in respect of wages or remuneration due as salary or otherwise for services rendered;

(h) any liability in respect of any sum due to—

1 of
1956.

(A) any public company as defined in the Companies Act, 1956;

10 of
1949.

(B) any banking company to which the Banking Regulation Act, 1949 applies;

23 of
1955.

(C) the State Bank of India constituted under the State Bank of India Act, 1955;

38 of
1959.

(D) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

5 of
1970.

(E) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(F) any company or corporation owned or controlled by the Central Government or any State Government;

(G) the Committee for the Administration of the Amalgamated Tamil Nadu Shares of the Post War Services Reconstruction Fund and Special Fund for Reconstruction and Rehabilitation of Ex-servicemen;

(H) any other financial institution notified by the State Government in the *Tamil Nadu Government Gazette*.

Bar of
suits
and
applica-
tions.

4. No suit for the recovery of a debt shall be instituted, and no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made, against any indebted person in any civil or revenue court on and from the date of commencement of this Act and before the expiry of one year from the said date.

Explanation I.—"suit" does not include a claim to a set-off made in a suit instituted by an indebted person.

Explanation II.—A suit shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit, and a decree shall be deemed to be a decree for payment of money passed in such suit notwithstanding that other reliefs are granted by such decree:

Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit.

Stay of
proceed-
ings.

5. (1) All further proceedings in suits and applications of the nature mentioned in section 4 in which relief is claimed against an indebted person, not being proceedings for the amendment of pleadings or for the addition, substitution, or the striking off of parties, but otherwise inclusive of proceedings consequent on orders or decrees made in appeals, revision petitions, or applications for review, shall, subject to the next succeeding sub-section, stand stayed until the expiry of one year from the date of commencement of this Act:

Provided that in regard to property under attachment the court may pass such orders as it deems necessary for the custody or preservation of the property or for the sale of such property if it is subject to speedy or natural decay, or, if in respect of it, the expenses of custody or preservation are considered excessive.

(2) On application made by the defendant or the respondent or by all the defendants or all the respondents, as the case may be, the stay effected by sub-section (1) in a suit or application shall be dissolved and the suit or application shall be proceeded with from the stage which had been reached when further proceedings in the suit or application were stayed.

Exclusion
of time
for limi-
tation.

6. In computing the period of limitation or limit of time prescribed for a suit for the recovery of a debt or an application for the execution of a decree passed in such suit, the time during which the institution of the suit or the making of the application was barred by section 4, or during which the plaintiff or his predecessor-in-title, believing in good faith that section 4 applied to such suit or such application, refrained from instituting the suit or making the application, shall be excluded.

Explanation.—"good faith" shall have the meaning assigned to it in clause (22) of section 3 of the General Clauses Act, 1897. 10 of 1897

Effect of
transfer
of im-
movable
property
by an
indebted
person.

7. Every transfer of immovable property by an indebted person entitled to the benefit of section 4 or section 5, made after the date of commencement of this Act and before the expiry of one year from the said date, shall, in any suit or other proceeding, with respect to such transfer, be presumed until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

5 of
1908.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority.

Act to
override
other
laws,
contracts,
etc.

9. (1) The State Government may make rules to carry out the purposes of this Act.

Power to
make
rules.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the Table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Tamil
Nadu
Ordi-
nance 8
of 1976.

10. (1) The Tamil Nadu Indebted Persons (Temporary Relief) No. 2 Ordinance, 1976, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

By the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1975 (Tamil Nadu Act 48 of 1975), suits for the recovery of debts due from non-agriculturist indebted persons and applications for the execution of decrees for payment of money passed in any such suit were barred for the period up to the 15th January, 1976. Though the drought conditions had eased, the economic conditions of such indebted persons had not improved to a great extent and they required some more period of moratorium to rehabilitate themselves. It was, therefore, decided that the relief granted to non-agriculturist indebted persons should be extended for a further period of three months. The Tamil Nadu Indebted Persons (Temporary Relief) Ordinance, 1976 (Tamil Nadu Ordinance 2 of 1976), was promulgated to give effect to the above decision.

2. The President issued a Proclamation on the 31st January, 1976 under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. The Ordinance referred to above could not be replaced by an Act of Parliament for want of time. Hence by virtue of the powers delegated to the Governor of Tamil Nadu by the President, the Tamil Nadu Indebted Persons (Temporary Relief) No. 2 Ordinance, 1976 (Tamil Nadu Ordinance 8 of 1976), was promulgated and the relief granted to the indebted persons was extended for a period of one year from the 15th January, 1976 instead of for three months as provided in the Tamil Nadu Ordinance 2 of 1976.

3. The proposed measure seeks to replace the Tamil Nadu Ordinance 8 of 1976.

4. Parliament has, under article 357(1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

I. J. NAIDU,

*Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation
(Department of Rural Development).*

THE TAMIL NADU INDEBTED AGRICULTURISTS AND
INDEBTED PERSONS (SPECIAL PROVISIONS)
ACT, 1976

No. 17 OF 1976

Enacted by the President in the Twenty-seventh Year of the
Republic of India

An Act to make certain special provisions in respect of certain indebted
agriculturists and certain indebted persons in the State of Tamil
Nadu.

In exercise of the powers conferred by section 3 of the Tamil Nadu
41 of 1976. State Legislature (Delegation of Powers) Act, 1976, the President is
pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Indebted Agriculturists and Indebted Persons (Special Provisions) Act, 1976. Short
title and
extent.

(2) It extends to the whole of the State of Tamil Nadu.

2. In this Act, unless the context otherwise requires,—

(a) “agriculturist” means an agriculturist as defined in clause
(b) of section 2 of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976; Defini-
tions.

(b) “debt” means,—

(i) in relation to an agriculturist, a debt as defined in clause
(c) of section 2 of the Tamil Nadu Indebted Agriculturists
(Temporary Relief) Act, 1976,

(ii) in relation to an indebted person, a debt as defined in clause (1) of section 2 of the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976, but does not include the debts and liabilities of an indebted person specified in section 3 of that Act;

(c) "indebted person" means an indebted person as defined in clause (2) of section 2 of the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976;

(d) "interest" means any amount or other thing paid or payable in excess of the principal sum borrowed or pecuniary obligation incurred, or where anything has been borrowed in kind in excess of what has been so borrowed by whatsoever name such amount or thing may be called, and whether the same is paid or payable entirely in cash or entirely in kind or partly in cash and partly in kind and whether the same is expressly mentioned or not in the document or contract, if any.

Interest
not to
accrue
during
certain
period in
respect
of cer-
tain
debts.

3. In respect of a debt due on the 22nd day of July, 1975 from an agriculturist or an indebted person, no interest shall accrue during the period commencing on the 22nd day of July, 1975 and ending with the 15th day of January, 1976, but interest shall accrue in respect of any debt obtained by an agriculturist or an indebted person after the 22nd day of July, 1975.

Amend-
ment of
Tamil
Nadu
Act
XXIII
of 1943.

4. In the Tamil Nadu Pawnbrokers Act, 1943, for section 12-A, the following section shall be substituted, namely:—

Interest
not to
accrue
in respect
of certain
loans
and
pledges
not to be
disposed
of
during
certain
period.

"12-A. (1) Notwithstanding anything contained in this Act or any other law, custom, contract or any decree or order of any court or other authority,—

(i) in respect of a loan due on the 22nd day of July, 1975 to a pawnbroker, no interest shall accrue during the period commencing on the 22nd day of July, 1975 and ending with the 15th day of January, 1976; and

(ii) no pledge pawned shall be sold in any manner whatsoever by the pawnbroker during the period commencing on the 22nd day of July, 1975 and ending with the 15th day of January, 1977.

(2) Interest shall accrue in respect of a loan obtained from any pawnbroker after the 22nd day of July, 1975."

9 of 1872. 5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Indian Contract Act, 1872, or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority. Act to override other laws, contracts, etc.

Tamil Nadu Ordinance 9 of 1976. 6. (1) The Tamil Nadu Indebted Agriculturists and Indebted Persons (Special Provisions) No. 2 Ordinance, 1976, is hereby repealed. Repeal and saving.

Tamil Nadu Act XXIII of 1943. (2) Notwithstanding such repeal, anything done or any action taken thing inconsistent therewith contained in the Indian Contract Act, 1872, 1943, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act or, as the case may be, of the Tamil Nadu Pawnbrokers Act, 1943, as amended by this Act.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India

Reasons for the enactment

Section 6A of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1975 (Tamil Nadu Act 10 of 1975), inserted by the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1975 (Tamil Nadu Act 48 of 1975) barred the payment of interest in respect of debts due from agriculturists on the 22nd July, 1975 for the period of operation of Tamil Nadu Act 48 of 1975. Similar provisions for barring the payment of interest for the said period in respect of debts due from indebted persons and loans due to pawnbrokers on the 22nd July, 1975, were also made in Tamil Nadu Act 48 of 1975. Provision was also made for banning sale of pledges by pawnbrokers during the period of operation of Tamil Nadu Act 48 of 1975. As Tamil Nadu Act 48 of 1975 was a temporary enactment expiring on the 15th January, 1976, it was considered necessary to make provision for barring payment of interest for the said period and to continue the ban on the sale of pledges by pawnbrokers for a further period of three months. The Tamil Nadu Indebted Agriculturists and Indebted Persons (Special Provisions) Ordinance, 1976 (Tamil Nadu Ordinance 3 of 1976), was promulgated to give effect to this proposal.

2. The President issued a Proclamation on the 31st January, 1976 under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Hence, by virtue of the powers delegated to the Governor of Tamil Nadu by the President, the Tamil Nadu Indebted Agriculturists and Indebted Persons (Special Provisions) No. 2 Ordinance, 1976 (Tamil Nadu Ordinance 9 of 1976) was promulgated. This Ordinance continued the provision for barring payment of interest for the period of operation of Tamil Nadu Act 48 of 1975 and continued the ban on sale of pledges for a period of one year from the 15th January, 1976 instead of for three months as provided for in the said Ordinance 3 of 1976. The proposed measure seeks to replace Tamil Nadu Ordinance 9 of 1976.

3. Parliament has, under article 357 (1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

4. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

I. J. NAIDU,

*Secy. to the Govt. of India,
Ministry of Agriculture and Irrigation
(Department of Rural Development),*

THE TAMIL NADU CULTIVATING TENANTS
PROTECTION (AMENDMENT) ACT, 1976

No. 18 OF 1976

Enacted by the President in the Twenty-seventh Year of the
Republic of India.

An Act further to amend the Tamil Nadu Cultivating Tenants
Protection Act, 1955.

41 of 1976. In exercise of the powers conferred by section 3 of the Tamil Nadu
State Legislature (Delegation of Powers) Act, 1976, the President is
pleased to enact as follows:—

1. This Act may be called the Tamil Nadu Cultivating Tenants Pro- Short
tection (Amendment) Act, 1976. title.

Tamil
Nadu
Act XXV
of 1955. 2. Section 4-A of the Tamil Nadu Cultivating Tenants Protection Omission
Act, 1955 (hereinafter referred to as the principal Act) shall be omitted, of section
and shall be deemed to have been omitted with effect from the 5th day of 4-A.
July, 1973.

3. In section 4-AA of the principal Act, for sub-section (4), the fol- Amend-
lowing sub-section shall be substituted, and shall be deemed to have ment of
been substituted with effect from the 5th day of July, 1973, namely:— section
4-AA.

“(4) (a) Any person desiring to resume any land under sub-
section (2) or, as the case may be, under sub-section (3) (here-
after in this sub-section referred to as the applicant) shall apply
to the Revenue Divisional Officer and on receipt of such appli-
cation, the Revenue Divisional Officer shall, after giving a reason-
able opportunity to the applicant and the person in possession of
the land (hereafter in this sub-section referred to as the pos-

essor) to make their representations, hold a summary inquiry into the matter and pass an order either directing the possessor to put the applicant in possession of the land or dismissing the application.

(b) Where a Revenue Divisional Officer passes an order under clause (a) directing the possessor to put the applicant in possession of the land, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement by the applicant to the possessor in respect of the expenses incurred by the possessor or the labour contributed by him on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.—In lieu of imposing any condition relating to reimbursement as provided in clause (b), the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon, at the time when the order is passed, has been harvested.”.

Savings.

4. (1) (a) Any person who has been evicted from any land under section 4-A of the principal Act on or after the 5th day of July, 1973, but before the 5th day of March, 1976, being the date on which the Tamil Nadu Cultivating Tenants Protection (Amendment) Ordinance, 1976, was published in the Tamil Nadu Government Gazette, shall, on application to the Revenue Divisional Officer within a period of six months after the 5th day of March, 1976, be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the principal Act.

Tamil
Nadu
Ordinance 10
of 1976.

(b) The provisions of sub-section (4) of section 4 of the principal Act shall, so far as may be, apply to applications under clause (a).

(2) Notwithstanding the repeal of section 4-A of the principal Act by this Act, the provisions of sub-section (6) of that section shall apply and continue to apply to or in relation to all cases of resumption of lands made by landlords in accordance with the provisions of that section before the 5th day of July, 1973.

(3) Save as provided in sub-section (2)—

(a) no legal proceeding or remedy in respect of any right, privilege, obligation or liability acquired, accrued or incurred under section 4-A of the principal Act on or after the 5th day of July, 1973 but before the 5th day of March, 1976 shall be instituted, continued or enforced;

(b) every suit, appeal, application, revision or other proceeding instituted, made or taken under section 4-A of the principal Act on or after the 5th day of July, 1973 but before the 5th day of March, 1976 and pending on the latter date shall abate.

Amend-
ment of
Tamil
Nadu
Act 4
of 1976.

5. Clause (iv) of section 2 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, shall be omitted and the said clause shall be deemed never to have been enacted.

Tamil
Nadu
Ordi-
nance 10
of 1976.

6. (1) The Tamil Nadu Cultivating Tenants Protection (Amendment) Ordinance, 1976, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under or by virtue of the said Ordinance shall be deemed to have been done or taken under or by virtue of this Act.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

As a result of decisions of the Madras High Court and in particular in *Palaniswamy Gounder vs. Komaraswamy Gounder* (87 LW. 224), a situation had arisen in which a landlord could resume possession of one half of the land from his tenant under section 4A(1) of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), irrespective of any disqualifications imposed in other sub-sections of that section. Consequently Revenue Courts allowed, in large scale, resumption of land.

2. The President issued a Proclamation on the 31st January, 1976 under article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. For the purposes of tackling the situation urgently, the Governor of Tamil Nadu, by virtue of the powers delegated to him by the President, promulgated the Tamil Nadu Cultivating Tenants Protection (Amendment) Ordinance, 1976 (Tamil Nadu Ordinance 10 of 1976).

3. The proposed measure seeks to replace the said Ordinance.

4. Parliament has under article 357(1)(a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

K. S. NARANG,
Secy. to the Govt. of India
Ministry of Agriculture and Irrigation
(Department of Agriculture).